

ONEIDA COUNTY BOARD OF ADJUSTMENT – PUBLIC HEARING
MEETING SUMMARY
JANUARY 9, 2018

Vice-Chairman Guy Hansen called the meeting to order at 1:00 p.m. in accordance with the Wisconsin Open Meeting Law.

Roll call of Board members present: John Bloom, “here”; Norris Ross, “here”; Guy Hansen, “here”; and Phil Albert, “here”.

Members absent: Harland Lee and Ed Hammer.

County staff members present: Pete Wegner, Assistant Director and Julie Petraitis, Program Assistant.

Other individuals present: See Sign in Sheet.

Vice-Chairman Guy Hansen stated that the meeting will be held in accordance with Wisconsin open meeting law and will be tape-recorded and sworn testimony will be transcribed. The Board of Adjustment asks that only one person speak at a time because of the difficulty in transcribing when several people are talking at once. The Board of Adjustment is made up of five regular members and one alternate, the alternate is not present today, who will take part in the hearing until the public hearing is closed, at which time one the alternates will not take part in the deliberation. Anyone wishing to testify must identify themselves by name, address, and interest in the appeal and shall be placed under oath.

Vice-Chairman, Guy Hansen, stated that the Board will hear testimony from the appellant/agent first and then the opposition. Following that, the appellant and opposition will have an opportunity for rebuttal and then closing statements. The public hearing will then be closed from further testimony. Consideration and additional questions can be asked by the Board members of the appellant or the opposition during deliberations. You may stay for the disposition of the appeal. Upon conclusion of the deliberation of the Board, the Chair will call for a motion and a second, and a roll call vote will be taken for the decision of the Board.

Secretary Phil Albert read the notice of public hearing for Appeal No.17-007 of Marty and Nancy Glass, appealing the denial of a zoning permit application to allow the placement of a 578 square foot garage addition only fifty-nine (59) feet from the ordinary high water mark of Squash Lake. The existing home is setback sixty-five (65) feet from the ordinary high water mark of Squash Lake. This activity is contrary to Section 9.99 D 4 (4), Chapter 9, Oneida County Zoning and Shoreland Protection Ordinance, as amended May 21, 2017. The property is located at 7306 Squash Lake Rd. further described as Section 24, T36N,

R7E, part lot 1 and part lot 8 Timber Oaks, PIN WB 952, Town of Woodboro, Oneida County, Wisconsin.

The Notice of Public Hearing was published in the Northwoods River News on December 26, 2017 and January 2, 2018. It was posted on the Courthouse bulletin board on December 21, 2017. Mr. Albert provided the proof of publication; and noted that the media was properly notified. Correspondence in the file includes:

The Oneida County Board of Adjustment Rules of Procedure, Section 178.05(12), Chapter 17, Oneida County Code of Ordinance, provide that a timely appeal shall stay all proceedings and furtherance of the action appealed from, unless such stay would cause imminent peril to life or property.

The Board of Adjustment will conduct an onsite inspection of the property involved in this appeal beginning at approximately 10:00 am prior to the hearing. Pertinent property boundaries and locations of existing and proposed structures shall be clearly identified. A representative or the appellant must be present. The inspection shall be open to the public.

Copies of appeals and related documents are available for public inspection during normal business hours at the Planning and Zoning Office, Oneida County Courthouse, Rhinelander, WI 54501. The Oneida County Zoning and Shoreland Protection Ordinance is available on the Internet at <http://www.co.oneida.wi.gov/>.

Secretary Albert stated that all media outlets were notified of the public hearing and the onsite inspection was conducted at approximately 9:55 a.m. to 10:15 a.m. on January 9, 2018. The property owner, Nancy Glass, along with the Board of Adjustment members, with the exception of Harland Lee, were present at the site along with staff person, Pete Wegner.

Observations by the Board: The property boundaries were not adequately marked, as they were obvious by the natural boundaries of the peninsula and shoreline. In terms of the relationship to the road right-of-way, that is not a factor. The sanitary and well facilities were located between the residence and the boathouse. The outline of the proposed construction was not marked but was explained by the applicant. There is an existing structure, which is the residence, and the proposed structure is a garage addition. (Exhibit A). The topography is a rolling peninsula with steep drop-offs to the lake on all sides. There is no erosion obvious based on snow cover. However, did note the steepness with treed and likely vegetated side yards. The existing structures, (besides the residence) are currently an existing garage, boathouse and a stone patio/ hot tub on the lower side of the residence. It was observed that there is a very cramped, paved driveway, long and narrow leading to an existing residence with an area to turn around in front of the proposed addition. One question the Board had, which Pete did address, is whether any type of setback averaging is to be allowed or can be applied.

SWORN TESTIMONY-APPELLANT

Vice-Chairman, Guy Hansen, swore in Pete Wegner, Assistant Director; Nancy Glass, owner; and Jim VanStrydonk, Contractor.

Nancy Glass, owner, began her testimony by stating that the reason is that it is a very tight, very narrow driveway. There is a nature preserve that adjoins the property. There are some limitations on the property. Part of that is when you pull down into the driveway down to the house it is very tight turn-around. The Glass' take huge advantage of the sidewalk area on the side of the house for turn-around space and for snow removal and things like that and additional parking. Having the garage extend out from where you currently see it would allow them to still have that turn-around radius safely without damaging any of the side land. It is an extreme concern of Mrs. Glass to not be able to have that area to turn around, safely. The other aspect is more of a security issue where if the garage is moved over to where they were originally being told, it completely blocks their view of the driveway. They would have no visibility of anyone coming down the driveway because there would be no windows allowed to look out at the driveway. Because of the Nature Preserve, they have had people coming around thinking the house is part of the Nature Preserve. It is, from a security standpoint, a great concern to not be able to see who is actually out there before they come to the door. Those are the two primary concerns.

Mr. Hansen informed Mrs. Glass that there are three criteria the Board needs to meet in their deliberation, some of which have been addressed in the appeal.

Mrs. Glass stated that the obvious position is respecting the natural boundaries and the natural landscaping of the property. Again, also making sure it is a safe area for vehicles and people.

Pete Wegner, Assistant Director, began his testimony by stating that the permit application was denied because under our current ordinance you can add on to a structure located forty to seventy-five feet from the ordinary high water mark as long as the addition is equal to or greater than the existing setback. In this example, you have a setback of sixty-five feet from the southwest corner and they are proposing the garage at a setback of fifty-nine feet, so that is the reason it was denied. As far as alternatives or defining whether there is reasonable use the County has to look at is as well if there is a garage there now, you could argue that is reasonable use. The fact that there is a detached garage, reasonable use again. If you look at one of the examples of physical property limitations, it shouldn't be due for the desire for a large garage. That shouldn't be justification for deciding a variance. Also, as far as unnecessary hardship, again, the fact that this is a detached garage and the location that they could put another garage meeting the applicable setbacks that doesn't meet the requirement of a hardship.

The DNR sent a letter, dated yesterday, and in a nutshell, basically, they are saying something similar. Basically the fact that you could move it over and have it at a setback

greater than the nearest setback of sixty-five feet. The fact that they could place it meeting the applicable setbacks, that is an alternative. They wouldn't have the window to view people coming in and there may be an issue with the turn-around but it is a doable alternative, in addition to the fact that there is already a garage there.

Vice-Chairman Hansen closed the hearing from further testimony and the Board went into deliberation.

Motion by Norris Ross, second by John Bloom to delay the writing of the decision to January 16, 2018. With all members present voting "aye", the motion carried.

Motion by Norris Ross, second by John Bloom to deny appeal #17-007, Marty and Nancy Glass, based on the fact that two of the three criteria cannot be met. With all members voting "aye", on a roll call vote, the motion carried.

1:40 pm - The meeting was adjourned on a motion by Phil Albert and second John Bloom; and all members voting aye.

Harland Lee, Chairman

Phil Albert, Secretary